

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**RYAN GERARD WALLACE,  
#1835438**

Movant,

v.

**THE STATE OF TEXAS,**

Respondent.

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Civil Action No. **3:22-cv-01796-L-BT**

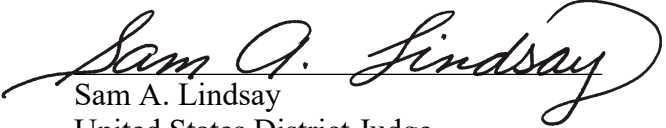
**ORDER**

On September 2, 2022, United States Magistrate Judge Rebecca Rutherford entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 4), recommending that Movant Ryan Gerard Wallace’s pro se filing attacking a state conviction be construed as a successive motion to vacate, set-aside, or correct his sentence under 28 U.S.C. § 2254 and transferred to the United States Court of Appeals for the Fifth Circuit. Wallace filed objections on September 5, 2022, in which he does not address the Report’s recommendations but offers a verified affidavit stating that he is a corporate entity, and as a man who “is of the people,” is above the government of the State of Texas. Doc. 5 at 1-2. Wallace appears to assert that this theory shows that the State may not legally imprison him. *See id.*

When a post-conviction motion is deemed successive, the district court lacks subject matter jurisdiction unless a panel of Fifth Circuit judges allows the successive motion to proceed. After reviewing the pleadings, objections, record in this case, and Report, the court **overrules** Wallace’s objections, **determines** that the findings and conclusions of the Magistrate Judge are correct, and **accepts** them as those of the court. Wallace does not present any argument that the Report is incorrect, only unfounded assertions that the State of Texas does not have authority over him as a

private citizen and corporation. Accordingly, the court construes Wallace's filing (Doc. 3) as a successive motion to vacate, set aside, or correct his sentence under 28 U.S.C. § 2255. The court, therefore, lacks subject matter jurisdiction to entertain this action and **directs** the clerk of court to **transfer** the action to the United States Court of Appeals for the Fifth Circuit for determination.

**It is so ordered** this 30th day of September, 2022.

  
Sam A. Lindsay  
United States District Judge